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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,948	08/28/2003	Floyd C. Green III	22914.00	7141

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EXAMINER

SINGH, RAMNANDAN P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/649,948

**Applicant(s)**

GREEN, FLOYD C.

**Examiner**

Ramnandan Singh

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Aug. 28, 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stamegna [US 6,085,078].

Regarding claim 1, Stamegna teaches a multifunction telephone shown in Fig. 1, comprising:

a cellular telephone transceiver circuit means for transmitting and receiving telephony signals [col. 5, lines 20-54; col. 6, lines 34-50];

a microphone (71), a speaker (73) and a keypad electrically connected to the transceiver circuit [col. 5, lines 38-54; col. 7, lines 17-24];

audio means for selecting (43) and generating audio from a plurality of sources, such as radio, tape player, CD player, etc. [col. 6, lines 5-33; col. 7, lines 31-36]; and

muting (i.e. **inhibiting or reducing**) means for controlling the injection of the audio means into the speaker and into the transmit circuit (i.e. transceiver circuit)

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means, whereby audio, generated by the audio means, may be heard by a user of the telephone and by a telephonically connected user [col. 3, lines 9-22].

Claim 11 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 7, Stamegna further teaches the multifunction telephone wherein the cellular telephone transceiver circuit means configured for wireless cellular telephonic communications [col. 5, lines 20-54; col. 6, lines 34-50].

Regarding claim 8, Stamegna teaches the detachable multifunction telephone (1), wherein the multifunction telephone further comprises a base module housing (7) (i.e. cradle) the including a release button (11), a handset (i.e. cellular telephone (5)), and the audio system (3) [Fig. 1; col. 4, lines 26-63; col. 5, lines 6-10].

Regarding claims 9-10, the limitations are shown above.

3. Claims 1-3, 7, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hadley et al [US 5,243,640].

Regarding claim 1, Hadley et al teach a multifunction telephone shown in Fig. 3, comprising:

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a mobile communication cellular telephone transceiver circuit means for transmitting and receiving telephony signals [col. 2, line 61 to col. 3, line 9];

a microphone (not shown), a speaker (34) and a keypad (not shown) electrically connected to the transceiver circuit [col. 1, lines 24-31; col. 4, line 66 to col. 5, line 24];

audio means for selecting (27) and generating audio from a plurality of sources, such as radio receiver, cassette player, CD player, etc. [Figs. 3, 4; col. 2, line 61 to col. 3, line 54; col. 4, lines 33-39]; and

muting (i.e. **inhibiting or reducing**) means (27) for controlling the injection of the audio means into the speaker and into the transmit circuit (i.e. transceiver circuit) means, whereby audio, generated by the audio means, may be heard by a user of the telephone and by a telephonically connected user [col. 1, lines 11-20; col. 3, lines 10-16].

Claim 11 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 2, Hadley et al further teach the multifunction telephone, wherein the muting means comprises microprocessor means (i.e. **state machine control logic 75**) and circuit means for interpreting and implementing muting options selected by the user [Fig. 5; col. 4, line 40 to col. 5, line 23].

Regarding claim 3, , Hadley et al further teach the multifunction telephone comprising the radio receiver, wherein the tuning of the radio receiver to a particular wireless transmitting station is inherent in operating the radio.

Regarding claim 7, Hadley et al further teach the multifunction telephone wherein the multifunction telephone includes a mobile communication telephone transceiver circuit means configured for wireless cellular telephone communications [col. 2, line 61 to col. 3, line 9; col. 1, lines 11-23].

4. Claims 1, 3-6, 11-12 are rejected under 35 U.S.C. 102(e) as being by Ellis et al [US 20050020223 A1].

Regarding claim 1, Ellis et al teach a multifunction telephone (4244) (i.e. an integrated telephone) shown in Figs. 39 and 43, comprising:

a cellular telephone transceiver circuit (420) means for transmitting and receiving telephony signals [Para: 0092; 0144; 0150; 0267];

a microphone , a speaker and a keypad (694) electrically connected to the transceiver circuit [Figs. 4, 6D; Para: 0156; 0158; 0287-0288];

audio means for selecting [Fig. 66] and generating audio from a plurality of sources, such as radio, tape player, CD player, etc. [Para: 0448-0450]; and

muting [Fig. 39 at step 3950] means for controlling the injection of the audio means into the speaker and into the transmit circuit (i.e. transceiver circuit) means,

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whereby audio, generated by the audio means, may be heard by a user of the telephone and by a telephonically connected user [Para: 0023; 0054; 0138; 0241; 0278-0289].

Claim 11 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 3, Ellis et al further teach the multifunction telephone wherein a user can tune the radio receiver to a desired wireless station [Figs. 1, 2, 3A, 3B, 3C, 6A, 43; Para: 0010; 0021; 0040-0042; 0136; 0140; 0181-0183; 0282].

Regarding claim 4, Ellis et al further teach the multifunction telephone, wherein the radio receiver comprises at least one device selected from the group consisting of an AM radio, an FM radio, a satellite radio, and a radiotelephone [Fig. 10].

Regarding claim 5, Ellis et al further teach the multifunction telephone, wherein the audio means comprises at least one device selected from the group consisting of an MP3 player (Para: 0283), a CD player (Para: 0314), and a cassette player (Para: 0174) [Fig. 43, 66].

Claim 12 is essentially similar to claim 5 and is rejected for the reasons stated above apropos of claim 5.

Regarding claim 6, Ellis et al further teach the multifunction telephone , wherein the audio means includes a volume control [Figs, 6A-6D; Para: 0155].

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh  
Examiner  
Art Unit 2644



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**